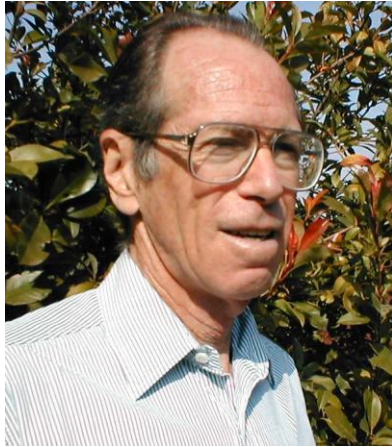


# TPOA

## NEWSLETTER

February 2013



*Dave Garfinkle, TPOA President*

I don't think I'm exaggerating to say: **single family residential neighborhoods are under concerted attack by City government.**

Examples:

**Community Care Facilities Ordinance (CCFO)**, see page 3. The aim of the proposed ordinance is to provide a mechanism to crack down on illegal sober living homes and other commercial boarding houses in single family neighborhoods. After seven years, we find ourselves with an ordinance that would provide some regulation, but would allow any state licensed home for seven or more inhabitants to locate, **BY RIGHT, with no public hearing, in all zones**, as long as they meet minimal standards. It also has no real provisions for enforcement, despite excellent suggestions by LAPD Chief Beck. Even that minimalist ordinance apparently has little chance of passing, given the opposition of disadvantaged housing non-profits who may not fully understand the ordinance. But wait, Councilmen Alarcon and Rosendahl propose an "amendment" which would throw the ordinance away and essentially allow the facilities in any zone, abandoning restrictions

on Boarding Houses and Parolee-Probationer Houses in single family residential zones.

**ZA Memo 210.** The memo details current City provisions for allowing a second home on a single family residential lot. The provisions are detailed in Zoning Administrator Memo 210. **Note:** simply a ZA memo with no public input, not an ordinance passed by the City Council after myriad public hearings. The memo allows (again, **by right, with no public hearing**) a second home, called an Accessory Dwelling Unit, as long as the size of the dwelling does not exceed 1200 square feet if detached or 30% of the existing home size if attached. Welcome to all homes on RA, RS, and R1 zones now available for conversion into duplexes.

**Eldercare Facilities.** The Eldercare Ordinance was passed by the City Council in 2006. It allows facilities for assisted living and dementia care to locate in any zone, but only if it meets all seven fairly stringent requirements including compatibility with the neighborhood. While an actual ordinance with reasonable provisions, the devil is in the details as the problem becomes one of implementation. The first facility proposed under the ordinance was a massive 156 bed commercial-industrial facility in a Tarzana RA neighborhood at Calvert and Yolanda. It only met one of the seven requirements and was over three times the size allowed by the Zoning Code. While initially approved by a ZA, we successfully appealed the decision to the South Valley Area Planning Commission (SVAPC) which agreed with our analysis. Next up, a 76 bed facility in Walnut Acres, a Woodland Hills RA neighborhood. Again, approval by the ZA, overturned by the SVAPC. Here Councilman Zine invoked a rarely used provision allowing

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the City Council, to override the SVAPC ruling, and approve the facility. The neighbors have taken the case to court and are awaiting the court decision. Third case, a 150+ bed facility proposed in the RA neighborhood of Sherwood Forest, which is located in the area around Plummer and Lindley. The specifics here are quite similar to the Tarzana case: similar size, does not meet all the ordinance requirements, particularly compatibility with the neighborhood, and is about 3 times the size permitted by the Code. The ZA hearing is scheduled for March 5.

So, what is TPOA doing to counter the attacks? We have joined with other homeowner groups to press for a CCFO that fairly balances the rights of the disadvantaged with the rights of homeowners. We are supporting the Sherwood Forest group in opposing the Eldercare facility in their area, and we intend to push for an ordinance to regulate second homes on single family lots. When the timing is right, we will ask for the support of our membership to call or e-mail City officials and attend hearings.

**This isn't NIMBY, we are simply trying to get the City to abide by its General Plan and Building and Zoning Codes.**

### Pine Beetle Threat...Mercene Carlson

Pine beetles are killing trees at an increased rate in Tarzana and surrounding communities due to excessively high temperatures and draught conditions. These beetles lay their eggs under the bark of pine trees, causing a blockage of moisture and nutrients to the tree. The infected branches will begin to turn a rust colored brown.

If your pine tree or your neighbor's starts to develop a large group of these rust colored branches, usually at the very top of the tree, it may be an indication that the tree has been infected and you need to check the condition with an expert. The beetles will not leave the tree until it is completely dead. If these trees are not felled as soon as possible, the beetles will eventually spread to other trees in the vicinity. Removing part of the tree is a waste of time and money. Cutting off the impacted area rarely works.

Please know that it costs essentially the same amount of money to cut down a partially infected tree as it does for a dead tree. Either way the tree will eventually have to be removed. Frequently, the beetles will migrate to another tree, well before the tree of origin is fully impacted. The only difference being that delayed action will impact your neighbors' trees in a negative way.

Please support our community in protecting the thousands of beautiful pine trees in our neighborhood by taking action if you become a victim of this outbreak.

## **Community Care Facilities Ordinance...Dave Garfinkle**

**First, a little history:** Approximately seven years ago, the residents North Hills and Granada Hills organized opposition to sober living houses within their residential areas. Dozens of residents were crammed into single family homes, blighting the neighborhoods with loud noise; open drug deals, pervasive smoke impacting neighbor homes; and public inebriation, urination, and even sexual acts. As an outgrowth of these and other community actions, in October of 2007, then-Councilmember Greig Smith wrote a motion to define and regulate sober living homes. Over the past 5+ years, as these invasive homes spread throughout the city and it became clear that nuisance abatement procedures were ineffective, the motion evolved to the Community Care Facilities Ordinance (CCFO) proposed by the Planning Department after repeated meetings with stakeholders including community groups, sober living providers, and disability rights advocates. The City Attorney's office released a draft of the proposed ordinance in September of 2011. The proposed ordinance was sent to the departments of Building and Safety, Housing, and Disability for comments and has been the subject of repeated hearings by the Planning Department, City Planning Commission, the Council Planning and Land Use Management (PLUM) and Public Safety Committees and the full City Council.

**What was proposed:** Due to State and Federal law, the City cannot regulate group homes with six or fewer residents. The proposed regulations were for seven or greater residents. The ordinance drafted by the City Attorney's office to regulate group homes had the following key provisions:

- Define group houses with more than one lease as a boarding house and prohibit them in single family residential zones.
- Restrict Parolee-Probationer Homes to no more than three parole or probationers in a housing unit or multi-unit structure and permit them, by a Conditional Use Permit process

including public hearings, only in multi-residential zones.

- Permit **State licensed** care facilities with seven or more residents as a "public benefit" in any zone as long as they meet performance standards including no more than two occupants per bedroom as well as noise, lighting, and parking requirements.

Since then a variety of modifications have been proposed by the various City Council bodies, including:

(1) changing the definition of a Boarding House from a residence with a single lease requirement to one with no more than three individuals who do not live as a single housekeeping unit and (2) allowing up to three parolee/probationers in each unit of a multi-unit structure. In addition, LA Police Department Chief Beck has provided a number of excellent suggestions including compulsory registration of all (over 6 person) group homes with fees to cover inspection and enforcement costs, as well as mandatory distances between the group homes and distance of the homes from sensitive uses such as schools and liquor stores.

**Where are we now:** On January 30 the City Council held yet another hearing, with testimony by the Planning Department and the City Attorney's Office again explaining the proposed ordinance; support for the original ordinance, with suggested modifications, by the Building and Safety, Police, and Fire Departments as well as homeowners groups; and opposition to the ordinance by a number of group homes and non-profit organizations.

**So what did the Council do:** They again kicked the ball downstream! They created a working group composed of Councilmen Englander (chair), Reyes, and Alarcon. To quote Englander "The working group will be supported by staff from the City Attorney, Planning Department, Building & Safety Department, and Chief Legislative Analyst, as well as representatives from other City, State and Federal agencies as needed. The group is to report back to the City Council in 90 days with recommendations on how to move forward with the Community Care Facilities Ordinance". **After more than 5 years of**

**meetings, hearings, revisions, and testimony from every conceivable source, we need another delay and essentially a start over?** Councilmen Alarcon and Rosendahl even trumped that. Their suggestion: throw the whole thing out and replace it with a poorly thought out ordinance to:

- Abandon all restrictions on Boarding Houses and Parolee-Probationer Houses in single family residential zones.
- Delete the requirement for a Conditional Use Permit process for Parolee-Probationer Houses
- Rely on a multi-agency task force to identify, inspect, and report “nuisance problems”. No funds are identified in an environment where we can’t even get enforcement of clear violations of the current municipal code provisions.
- Leave enforcement to other government agencies (county, state, and federal) which also suffer from lack of funds to enforce their core responsibilities.

While their inspection suggestions, and the hint that all unlicensed facilities should be licensed, are good, **why do we want to start over, lose the good parts of the current CCFO proposal, and drop the few easily enforced code provisions that currently exist??**

**So where do we go from here:** TPOA and other concerned organizations strongly oppose the new measure introduced by Alarcon and Rosendahl (referred to as Motion 3B) and suggest a **timely** enactment of the CCFO with a few modest improvements:

- Retain the requirement for a Conditional Use Permit including public hearing for Community Care Facilities in single family dwelling zones.
- Limit the number of parolees-probationers in multi-unit structures.
- Adopt Chief Beck’s recommendations for registration, enforcement, and location density.

The proposed ordinance, modified to include the above, will provide an effective, balanced ordinance that will:

- Clarify vague and outdated code provisions (dated 1956) and more clearly define boarding/ rooming/ parolee-probationer houses and their appropriate location. Any effort to subvert long standing zoning practices must be resisted. Group houses are an incompatible use and must be prohibited in single family residential zones.
- Not discriminate against persons with disabilities. Other cities have much more stringent group house regulations and their ordinances have not been considered discriminatory by the courts.
- Provide public safety officials with clearer guidelines and tools for enforcement. There are no current, definitive laws on the books that clearly regulate or define boarding/ rooming/ parolee-probationer houses. Nuisance abatement procedures are not an efficient or viable enforcement tool for an illegal land use.
- Safeguard Public Safety. Illicit group housing arrangements have been the source of serious crimes such as murders, assaults, and arson. The number of persons crammed into single family homes must be regulated as must the concentration of parolees, probationers, and released prisoners.
- Offer housing opportunities for those in need in appropriately zoned areas. There are adequate existing provisions for housing options in other than single family residential zones.
- Protect those living in group housing arrangements from unspeakable abuse perpetrated by unscrupulous operators. The homeless, disabled, and those in need deserve good quality, safe housing.
- 

Allowing boarding houses to operate in single family zoned neighborhoods is a violation of the City’s General Plan which includes

language that seeks to preserve the City's single family neighborhoods. Any effort to alter the City's General Plan will require a full environmental review and CEQA process which has not been part of this administrative/legislative process. While the opponents of the CCFO have threatened the City Council with litigation should the CCFO be adopted as proposed, **property owners in single family neighborhoods across the city expect the City to respect those zones and enforce the ban on boarding houses that is a part of the City's code.**

### **Does Nature Have A Place in the Valley?...Kris Ohlenkamp**

*The following article by Kris Ohlenkamp, Conservation Chair of the San Fernando Valley Audubon Society, describes the recent attack on the 43 acre preserve, south of Burbank, in the Sepulveda Basin. The Army Corps of Engineers has promised a full report on the incident in mid-February. A number of meetings with the Corps have been held but no satisfactory explanation or definitive remedial action plan has been forthcoming.*

Not according to the United States Army Corps of Engineers (USACE). It is too messy. You can't see through it. It hides all kinds of bad things. It is scary. It is a problem.

Their solution: remove it. Dry out and fill up the pond, scrape the sides of the creek, remove all of the vegetation except for a few trees, scrape the soil clean, and apply herbicides until nothing will grow back. Apparently that was, and still is, their plan. I am sure you have heard of their Vegetative Management Plan (VMP) for what was the South Wildlife Reserve in the Sepulveda Basin. Where, if they weren't stopped, they would have done exactly that for the entire 48 acres.

To be honest, that is not what their VMP said they were going to do. But that is exactly what they started doing - until the San Fernando Valley Audubon Society (SFVAS)

stopped them less than one quarter of the way

into the "mowing and mulching phase" of a 5 year plan. It is not that the written VMP was all that good. We count more than 150 errors, omissions, contradictions, serious misrepresentations and ambiguities that leave the plan open to more interpretations than the bible. It is the implementation of the VMP that is most appalling.

They were supposed to only remove non-native invasive weeds. Instead they removed everything, making no attempt to avoid any native plants. They were supposed to identify and flag native trees to be saved. Instead they removed more than 100 mature native trees (often ripping them out by the roots) and all trees less than 20 feet high. They were supposed to ensure that all trucks stay on existing maintenance roads. Instead they created at least 3 new roads through the area. They were supposed to avoid all habitat used by the federally endangered Least Bell's Vireo. Instead they removed a significant amount of known foraging habitat and only left a 30 foot buffer around the known nesting area (300 feet minimum is recommended). They were not supposed to disturb the soil. Instead they actually plowed up several acres where they tore out the trees near the wildlife pond. There was no mention of the wildlife pond in the document and yet they cut off the water supply and filled it in with debris from the surrounding area. There was no mention of impacting the Los Angeles River in the document and yet they scraped out all of the vegetation between the dam and Burbank Boulevard. And these are only the most serious violations that are glaringly obvious.

What is most scary is that at this very moment the USACE is applying for, and working on, an Ecosystem Feasibility Restoration Study to implement this same type of environmental stewardship on other parts of the river. Is this the right organization to be guiding this process?

For more information about the Sepulveda Basin check out [sepulvedabasinwildlife.org](http://sepulvedabasinwildlife.org) and [sfvaudubon.org](http://sfvaudubon.org).

## **Reporting Code Violations Steve Webber**

Our neighborhoods are the treasure of Tarzana. Yet, as you travel throughout Tarzana, you see homes, hedges, walls, fences, concreted areas, piles of trash, weekend construction, and many situations that seem to be out of code compliance in our community. Many streets and areas have been ruined by overbuilding, Code violations, and wanton disregard for the law. When something doesn't look right, it probably isn't. If you value the ambiance and charm of your street, speak up when you suspect something wrong.

Our Code Enforcement system is complaint driven and relies on citizens reporting suspected violations. There are two easy means to report suspected violations. The first is to call 311. When you contact 311, have the address and description of the violation ready. Depending on the nature of the violation, the operator may take the information directly from you, provide a reference number, the name of the inspector, or, transfer you to a specific department where you can make the report. There is an on-line reporting system as well. Go to [www.LADBS.org](http://www.LADBS.org), the Department of Building and Safety homepage and use the cursor on "on-line services". You will see a window for reporting violations. Click on and follow the lead. Your entry will go into the system, initiate the complaint, and create a paper trail. Jot down the reference number provided. That's all it takes and you can follow the progress by visiting the Property Activity Report under the same on-line services column. Whether you call or use the on-line system, your name will remain confidential. If you feel you need assistance, please contact TPOA and we will visit the property and make the complaint without your name being involved.

Don't just sit and watch a situation get worse and have an adverse effect on your neighborhood. Make the call! You'll feel terrific.

## **Transportation Update Max Flehinger**

In proposing the recent 3 billion dollar bond issue for street repair, the City reported that 38% of L.A. streets received a grade of "D" or "F". That's from the 2011 Bureau of Street Services "State of the Streets" report. (On an A-F scale, A is good, and F indicates severe breakdown.) But that's not a surprise; we drive those streets every day.

As requested by the Tarzana Neighborhood Council, Caltrans has stated that they will replace the burned out lights at freeway exits. (Apparently Caltrans doesn't do this unless someone requests it.) Darkness is not a major problem for regular users of those exits, but it represents a hazard to those not acquainted with the turn-offs.

We have received complaints of speeding on Casa Drive, between Wells and Vanalden. Casa is used as a shortcut, particularly in the morning and evening rush hours. This has been reported to Senior Lead Officer Scoggins for LAPD enforcement.

Complaints have been made about right, turns from southbound Reseda Blvd. into the westbound 101 Freeway, from the second lane from the curb. These turns impede the flow of southbound traffic in the second lane. The LAPD has been informed and the DOT contacted about a possible resolution.

Just before the end of the last school year, in June of 2012, the DOT removed the left turn lanes from north and southbound Mecca into Wells Drive, creating a good deal of indignation, particularly on the part of parents driving their kids to Portola and Wilbur Ave. Schools.

At a meeting at that intersection, with representatives of the DOT, Councilman Zine's office, the TNC and TPOA, it was observed that there were never more than five cars backed up to make the left turn into westbound Wells (this was in the 45 minute period just prior to the beginning of the school day). The DOT agreed to take another look, after the summer recess. One morning, in the second week of *the new school year*, two members of the TNC Transportation

Committee observed the intersection in the hour before the school day began and found that there was no significant backup of traffic. They concluded that there is no traffic issue caused by the removal of the left turn lane.

A stakeholder recently reported severe damage to the roadway, from tree roots, on Ellenita, just up the hill from Greenbriar. The dangerous condition has been reported to the Bureau of Street Services and to Councilman Zine's office.

## **Helicopter Noise**

As noted in our August 2012 Newsletter, helicopter flights are a countywide problem, from both a noise and annoyance standpoint, as well as from a safety factor. These unregulated helicopter flights are extremely disturbing to residents and have the potential for serious accidents. Flights by unnecessary news, tourist, and business helicopters are extremely noisy and sometimes fly so close to homes that windows and walls vibrate. Accidents are possible both from direct helicopter crashes and from motorists distracted by the sudden noise of approaching low flying ships.

Efforts to regulate helicopter flights to mitigate both the noise and safety factors have been ongoing for some time. The full extent of the problem became apparent at an August 6 community meeting held in Sherman Oaks sponsored by then Congressman Howard Berman. In attendance were over 400 people including Congressmen Brad Sherman, Howard Berman, and Adam Schiff; Supervisor Zev Yaroslavsky; Councilman Paul Krekorian; approximately 15 FAA representatives; and people from essentially all parts of LA County. Attendees reported up to 50 test flights daily from a large helicopter manufacturer in Torrance, paparazzi hovering for hours over stars' homes, non-stop flights along the 405 during Carmageddon, numerous daily flights over tourist attractions such as the Hollywood sign, and severe interruptions of Hollywood Bowl concerts.

Since that meeting, a county-wide coalition of affected homeowners, the Los Angeles Area Helicopter Noise Coalition (LAAHNC), was

formed to work with with the FAA and helicopter pilots associations to address helicopter noise and safety issues..

A meeting of the FAA and LAAHNC, with the president of the largest helicopter pilots association present, was held on the 5<sup>th</sup> of December. 15 points were presented by Bob Anderson of the Sherman Oaks Homeowners Association (SOHA), including:

- Eliminating nighttime nonemergency flights (i.e. sight seeing, paparazzi, news media);
- Limiting flight paths, especially in areas such as Lomita and Torrance, where helicopter manufacturer Robinson Helicopter routinely conducts test flights over schools and homes;
- Pooling of media helicopters to limit the impact on residential areas of helicopters reporting on traffic conditions or newsworthy incidences.
- Minimum flight altitude of 2,000 or 2,500 feet above ground level;
- Requiring helicopters to use location transponders; and implementation of simple methods of detecting and fining regulation violators.

The FAA response was that they would study the problem and issue a report this May. They also suggested we form a roundtable group with the pilots to try to establish mutually acceptable voluntary limitations. The first roundtable, held on February 12, was attended by representatives of LAAHNC, the pilot's association, the FAA, LAPD, LAFD, and Army pilots. Hopefully later roundtables will result in some voluntary actions to supplement efforts in Congress to establish mandatory regulations. Note that while the FAA has the right to impose restrictions on helicopters; (stricter regulations are currently in place in Long Island, the Grand Canyon, Hawaii, and New York City) they appear reluctant to do so.